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THE  
SEPARATE OR "JIM CROW"  
CAR LAWS

OR  
LEGISLATIVE ENACTMENTS

OF  
FOURTEEN SOUTHERN STATES

TOGETHER WITH THE REPORT AND ORDER OF THE INTERSTATE COM-  
MERCE COMMISSION TO SEGREGATE NEGRO OR "COLORED"  
PASSENGERS ON RAILROAD TRAINS AND IN  
RAILROAD STATIONS.

BY R. H. BOYD, D. D., LL. D.

IN COMPLIANCE WITH A RESOLUTION OF THE NATIONAL BAPTIST  
CONVENTION, SEPTEMBER 19, 1903, AT LEXINGTON, KY.

FIRST EDITION

PRICE, 25 CENTS

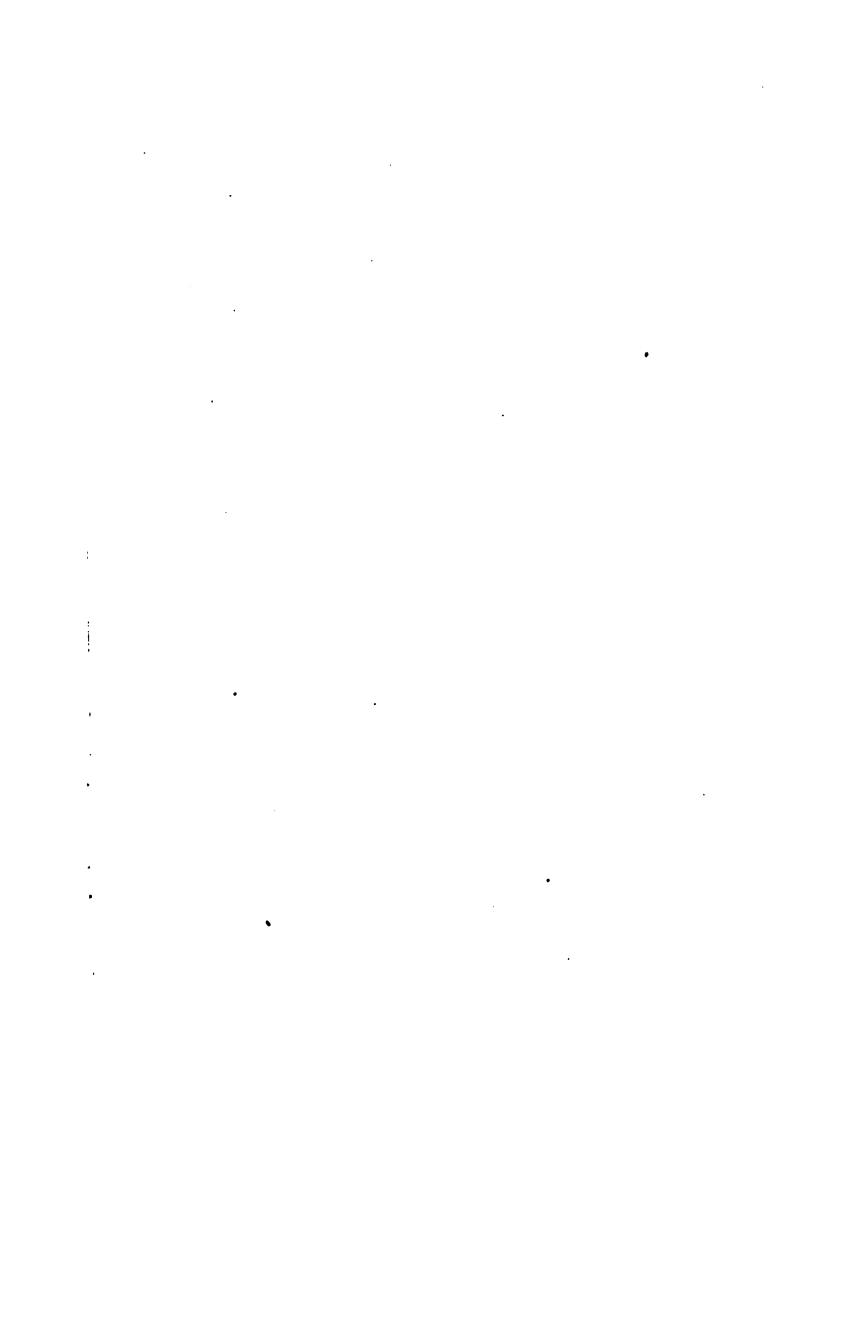
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## INTRODUCTION.

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The purpose of this little book is to be a constant companion in the pocket or hand of every self-respecting, law-abiding Negro who is compelled to travel by rail in any of the fourteen states of the Union that have passed separate or "jim crow" car laws for the purpose of humiliating and degrading the Negro race in the eye of all the civilized world. It may be surprising to the reader if he or she will peruse and study carefully these so-called "jim crow" laws or legislative enactments to learn that according to the letter of the law there is no "jim crowism" in these laws if properly and justly enforced or executed. One of the peculiar features of these enactments is that they have a sameness in each state and if they were properly enforced or executed by the courts, or obeyed by the railroad companies, they would truly promote the comfort in travel of all colored passengers, for each one of these legislative enactments requires the railroad companies to furnish separate but *equal accommodations*. Every accommodation on coaches or in waiting-rooms that is provided for white passengers is required by these enactments to be furnished to colored or Negro passengers paying the same fare. When the compiler of this book was appointed by the Program Committee of the National Baptist Convention in 1908 to discuss these legislative enactments, and when he spoke before that body denying that the law contemplated any discrimination between white and colored passengers, it was surprising and hard for the most intelligent members of that convention to believe him to be speaking truthfully. But when he produced a number of these legislative enactments in typewritten form, and read and exhibit them, it was voted unanimously that he would put them in book form, carefully indexed, that Negro passengers would have an opportunity to read and understand these laws,—first, obey them, and see to it that the railroad companies give them the accommodation required by these laws. *The same law that fixes a penalty for the Negro who refuses to comply with the law fixes the same penalty for white passengers*

who violate in the same manner and a larger penalty on the railroad company, conductor, or agent, who neglects, omits, or refuses to furnish these *equal accommodations to Negro passengers*. It is therefore, the imperative duty of every Negro to familiarize himself with the legislative enactments of the fourteen states and when traveling in any state strictly obey every requirement, and if the agent, conductor, receiver, or company, fails, neglects, or refuses to comply with these laws, complain to a court of competent jurisdiction and have them enforced. If the traveler is an interstate passenger, complain to the Interstate Commerce Commission or to the United States Courts; if a state passenger, complain to the state commission or the state or county courts. When this is done and the case is placed in the hands of competent lawyers the inhuman treatment that Negro passengers are now subjected to will be a thing of the past.

I also give in this little volume the report of the Interstate Commerce Commission in the case of Mrs. Georgia Edwards, of Chattanooga, Tenn., against the Nashville, Chattanooga & St. Louis Railway Company. It will be seen by this order:

1. Carriers may not discriminate between white and colored passengers paying the same fare in the accommodations which they furnish to each.
2. Segregation of white and colored passengers on interstate journeys is a reasonable regulation of interstate traffic and permissible under the act to regulate commerce.
3. Where a carrier provides facilities for personal cleanliness in first class coaches devoted to the use of white passengers and a separate smoking compartment for the use of such passengers also, similar accommodations should be provided for colored passengers paying first-class fare.

That whatever accommodation or comfort is furnished white passengers must be furnished colored passengers if demanded. If white passengers are furnished smoking departments, wash-basins, towels, combs and water, colored passengers must be furnished the same. If white passengers are furnished meals at stations or in dining cars, colored passengers must be supplied with the same service upon the same terms and at the same prices. I take it that the same is true concerning sleeping, where through cars are used for white passengers, whether reclining-chair cars, Pullman or palace cars—anything short of this would be a discrimination in law and would thereby render the *statutes of legislative enactments unconstitutional, null and void and hence no law.*

THE COMPILER.

# SEPARATE OR "JIM CROW" CAR LAWS.

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## ALABAMA.

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CODE OF THE STATE OF ALABAMA.  
1907, Vol. 2.

### ART. II. REGULATIONS AFFECTING THE CONVENIENCE OF PASSENGERS.

Section 5487. (3454) *Separate Coaches for Whites and Blacks.*—All railroads carrying passengers in this state, other than street railroads, shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by partitions, so as to secure separate accommodations.

(Feb. 6, 1891, p. 412, Sec. 1.)

5488. (3455) *Conductor must assign each passenger a seat in the car designated for his color.*—The conductor of each passenger train is authorized and required to assign each passenger to the car, or the division of the car, when it is divided by a partition, designated for the race to which such passenger belongs; and if any passenger refuses to occupy the car, or the division of the car, to which he is assigned by the conductor, such conductor may refuse to carry such passenger on the train, and for such refusal (7)

neither the conductor nor the railroad company shall be liable in damages. But this section shall not apply to cases of white or colored passengers entering this state upon railroads under contracts for their transportation made in another state where like laws to this do not prevail.

(Feb. 6, 1891, P. 412, Sec. 2.)

VOL. III, p. 885, Sec. 7684. (5377.)

7684. (5377) *Passenger on railroad ride in coach not designated for his color.*—Any person who, contrary to the provisions of the statute providing for equal and separate accommodations for the white and Negro races on railroad passenger trains, rides, or attempts to ride, in a coach or a division of a coach, designated for the race to which he does not belong, must, on conviction, be fined not more than one hundred dollars.

(Feb., 1891, p. 412, Sec. 3.)

# ARKANSAS.

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ACTS OF THE STATE OF ARKANSAS, 1891,

Page 15.

VOL. 1.

## ARTICLE XVII.

*An Act to Promote the Comfort of Passengers on Railways and Other Purposes.*

Be it enacted by the General Assembly of the State of Arkansas:

Section 1. That all railway companies carrying passengers in their coaches in this State shall provide equal but separate and sufficient accommodations for the white and African races, by providing two or more passenger coaches for each passenger train. *Provided*, That on all lines of railway less than twenty-five miles long, passenger coaches may be divided by a partition so as to secure separate accommodations, and they shall also provide separate waiting-rooms of equal and sufficient accommodation for the two races at all their passenger depots in this State. *Provided*, That this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches or in waiting-rooms other than the ones assigned to them on account of the race to which they belong.

(9)



Sec. 2. That the officers of such passenger trains and the agents at such depots shall have power and are hereby required to assign each passenger or person to the coach or compartment or room used for the race to which such passenger or person belongs. Any passenger or person insisting on going into a coach or compartment or room to which by race he does not belong, shall be liable to a fine of not less than ten dollars nor more than two hundred dollars, and any officer of any railroad company assigning a passenger or person to a coach or compartment or room other than the one set aside for the race to which said passenger or person belongs, shall be liable to a fine of twenty-five dollars; and should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the officer of such railway company, said officer shall have power to refuse to carry such passenger on his train, and that should any passenger, or any other person not a passenger, for the purpose of occupying or waiting in such sitting or waiting room not assigned to his or her race, enter said room, said agent shall have the power and it is hereby made his duty to eject such person from such room, and for such acts neither they nor the railway company which they represent shall be liable for damages in any courts of this State.

Sec. 3. That all railway companies that shall refuse or neglect to comply with the provisions and requirements of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction before any court of competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars, and every day that such railway company shall fail to comply with the provisions *of this act*, and every train run in viola-

tion of the provisions hereof, shall be a separate offense, and any conductor or other employees of such passenger train having charge of the same, or any agent at such depot who shall refuse or neglect to carry out the provisions of this act, shall, on conviction, be fined not less than twenty-five dollars nor more than fifty dollars for each offense. All railroad corporations carrying passengers in this State, other than street railroads, shall keep this law posted up in a conspicuous place in each passenger coach and waiting-room. *Provided*, That officers accompanying prisoners may be assigned to the coach or room to which said prisoners belong by reason of race.

Sec. 4. Persons in whom there is a visible and distinct admixture of African blood shall, for the purposes of this act, be deemed to belong to the African race; all others shall be deemed to belong to the white race, etc.

ACT CXIV. 1893. ACT OF ARKANSAS 2.

ARTICLE 100.

*An Act to Amend Section 1 of an Act to Promote the Comfort of Passengers on Railways and for Other Purposes. Approved Feb. 23, 1901.*

Be it Enacted by the General Assembly of the State of Arkansas:

Section 1. That section one (1) of an act entitled “An Act to promote the comfort of passengers on railway trains and for other purposes,” approved February 23rd, 1891, be so amended as to read as follows, viz.:

“Sec. 2. That all railway companies carrying passengers in this State shall provide equal but separate and sufficient accommodations for the

white and African races by providing two or more passenger coaches for each passenger train; provided, that each railway company carrying passengers in this State may carry one partitioned car, one end of which may be used by white passengers and the other end by passengers of the African race, said partition to be made of wood, and they shall also provide separate waiting rooms of equal and sufficient accommodation for the two races at all their passenger depots in this State; provided, that this section shall not apply to street railroads; and provided further, that in the event of the disabling of a passenger coach, or coaches by accident or otherwise said company shall be relieved from the operation of this act until its train reaches a point at which it has additional coaches. No person or persons shall be permitted to occupy seats in coaches or waiting rooms other than the ones assigned to them on account of the race to which they belong; provided, that officers in charge of prisoners of different races may be assigned with their prisoners to coaches where they will least interfere with the comfort of other passengers; provided further, that it shall not apply to employees of a train in the discharge of their duties, nor shall it be construed to apply to such freight trains as carry passengers; provided, that carriers may haul sleeping or chair cars for the exclusive use of either the white or African race separately, but not jointly; provided further, that on all lines of railway less than thirty miles long passenger coaches may be divided by partition."

Sec. 3. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take *effect and be in force* from and after its passage.

*Approved April 1, 1893.*

STATUTE OF ARKANSAS. MANSFIELD.

Ch. 18th, Civil Rights. Sec. 521.

Section 521. It shall be unlawful for any person or persons owning, managing, operating, running or representing as agent for any railroad, steamboat, stage-coach or any other conveyance operated, managed or run in the public transportation or conveyance of persons or property in this state to refuse or neglect to provide for and to furnish any person or persons applying for the same with the same accommodations as they furnish other persons by such person or persons owning, managing, operating, running or representing as agent for a railroad, steamboat, stage-coach or any other conveyance managed or run in the public transportation of persons or property in this state, upon a person applying for such accommodations, refusing or tendering to said person or persons owning, managing, operating, running or representing as agent for any railroad, steamboat, stage-coach or any other conveyance operated, managed or run in public transportation or conveyance of persons or property in this state an amount of money equal to the amount charged and usually paid for like or similar accommodations to any other person.

Sec. 522. Any person or persons who shall violate any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined for each offense in any sum not less than two hundred nor more than one thousand dollars, or by confinement in the common jail of the county for not less than six nor more than twelve months, or both, at the discretion of the court.

# FLORIDA.

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## GENERAL STATUTES OF THE STATE OF FLORIDA—1906.

Ch. 2. *Duties to Passengers and to Freight*  
Page 1119, Sec. 2860. (2268.)

Ch. 3743, Acts 1887, Sec. land 2.

2860. (2268.) *First-class Tickets and Accommodations for Negro Persons.*—All railroad companies doing business in this State shall sell to all respectable Negro persons first-class tickets on application, at the same rates that white persons are charged, and shall furnish and set apart for the use of such Negro persons who purchase such first-class tickets a car or cars in each passenger train, as may be necessary, equally as good and provided with the same facility for comfort as shall or may be provided for whites using and traveling as passengers on first-class tickets. No conductor or person in charge of any passenger train on any railroad shall suffer or permit any white person to ride, sit or travel, or do any act or thing to insult or annoy any Negro person while sitting, riding and traveling in said car so set apart for the use of Negro persons, nor shall he or they, while in charge of such train, suffer or permit any Negro person, nor shall such person attempt to ride, sit or travel in the car or cars so set apart for the use of the white persons traveling as first-class passengers; but female color

urses, having the care of children or sick persons may ride and travel in such cars.

ARTICLE 7.—CONCERNING RAILROADS,  
STEAMBOATS, COMMON CARRIERS  
AND TELEGRAPHS.

Ch. 1987, Sec. 10, Acts 1874.

3631. (2685.) *Conductors, etc., Violating regulations.*—Every conductor, engineer or other person, having charge of the running of any train of passenger cars, who wilfully or knowingly violates any of the provisions of law relating to the operation of trains, or their duties in relation to passengers, or in regard to the receipt, transportation and delivery of freight, or mail, except as otherwise provided by law, shall be punished by imprisonment not exceeding one year, or by fine not exceeding one thousand dollars.

Ch. 3743, Sec. 3, 4, Acts 1887.

3632. (2686.) *Not Providing Separate Cars for White and Negro Persons.*—If any railroad company or any conductor or other employe thereof, or any person whatever, shall violate the provisions relating to the accommodations of white or Negro passengers, he or they shall be punished by a fine not exceeding five hundred dollars.

If any railroad company shall fail to comply with said provisions of law the punishment here prescribed may be inflicted upon the president, receiver, general manager or superintendent thereof, or upon each and every one of them.

# GEORGIA.

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## SEPARATE COACH LAW OF THE STATE OF GEORGIA. (VOL. 2, 1895.)

Acts 1870, pp. 427, 428, Sec. 2269.

Section 2268. (3035.) *Railroads Must Accommodate all alike.* The different railroads in the State, acting as public carriers, are required to furnish equal accommodations to all, without regard to race, color, or previous condition. Any railroad in this State violating the conditions of this section, by any of its employees, may be sued in the superior court of the county where the offense is committed, and any person so wronged may recover such sum as the discretion of the court thinks right and proper in the premises, not to exceed ten thousand dollars.

Acts 1890-1, p. 157, Sec. 2188.

Sec. 2269. *Equal Accommodations in Separate Cars.* All railroads doing business in the State shall furnish equal accommodations, in separate cars, or compartments of cars, for white and colored passengers; but this section shall not apply to sleeping-cars.

Sec. 2270. *Must Assign Passengers to Their Car.* All conductors or other employees in charge of such cars shall be required to assign all passengers to their respective cars, or compartments

of cars, provided by the said companies under the provisions of the preceding section; and all conductors of dummy, electric and street cars, shall be required, and are hereby empowered, to assign all passengers to seats on the cars under their charge, so as to separate the white and colored races as much as practicable; and all conductors and other employees of railroads, and all conductors of dummy, electric and street cars shall have, and are hereby invested with, police powers to carry out said provisions.

Sec. 2271. *Penalty for Remaining in Car.* Any passenger remaining in any car or compartment or seat, other than that to which he may have been assigned, shall be guilty of a misdemeanor. The conductor and any and all employees on such cars are clothed with power to eject from the train or car any passenger who refuses to remain in such car or compartment or seat as may be assigned to him.

Sec. 2272. *Where Car Is Divided into Compartments.* When a railroad car is divided into compartments, the space set apart or provided for white and colored passengers, respectively, may be proportioned according to the portions of usual and ordinary travel by each on the road or line on which said cars are used.

Sec. 2273. *White and Colored Passengers to Occupy Different Cars.* Officers or employees having charge of such railroads shall not allow white and colored passengers to occupy the same car or compartment; and for a violation of this section, any such officer or employee shall be guilty of a misdemeanor.

Sec. 2274. *Not Applicable to Nurses.—But these provisions shall not apply to nurses c servants in attendance upon their employers.*



# KENTUCKY.

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SEPARATE COACH LAW OF THE STATE OF  
KENTUCKY. ACTS OF 1891-92-93.

(P. 63, Ch. 40.)

AN ACT TO REGULATE THE TRAVEL OR  
TRANSPORTATION OF WHITE AND  
COLORED PASSENGERS ON THE  
RAILROADS OF THIS STATE.

*Railroad Companies to Furnish Separate Coaches  
for White and Colored Passengers.*

Be it enacted by the General Assembly of Commonwealth of Kentucky:

Section 1. Any railroad company or corporation, person or persons, running or otherwise operating railroad cars or coaches by steam or otherwise, on any railroad line or track within this State, and all railroad companies, person or persons, doing business in this State, whether upon lines of railroad owned in part or whole, or leased by them; and all railroad companies, person or persons, operating railroad lines that may hereafter be built under existing charter, or *charters that may hereafter be granted in this State;* and all foreign corporations, companies,

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person or persons, organized under charters granted, or that may be hereafter granted, by another State, who may be now, or may hereafter be, engaged in running or operating any of the railroads of this State, either in part or whole, either in their own name or that of others, are hereby required to furnish separate coaches or cars for the travel or transportation of the white and colored passengers on their respective lines of railroad. Each compartment of a coach divided by good and substantial wooden partition, with a door therein, shall be deemed a separate coach, within the meaning of this act, and each separate coach or compartment shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

*No Discrimination in Coaches, etc.*

Sec. 2. That the railroad companies, person or persons, shall make no difference or discrimination in the quality, convenience or accommodation in the cars or coaches or partitions set apart for white and colored passengers.

*Penalties.*

Sec. 3. That any railroad company or companies that shall fail, refuse or neglect to comply with the provisions of sections one and two of this act, shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than five hundred nor more than one thousand five hundred dollars for each offense.

*Jurisdiction of Circuit Courts.*

Sec. 4. That all circuit courts in which railroads are operated in this State shall have complete jurisdiction over such offenses.

*Duties of Conductors.*

Sec. 5. The conductors or managers on all railroads shall have power, and are hereby required, to assign to each white or colored passenger his or her respective car or coach or compartment, and should any passenger refuse to occupy the car, coach or compartment to which he or she may be assigned by the conductor or manager, said conductor or manager shall have the right to refuse to carry such passenger on his train, and may put such passenger off of the train. And for such refusal and putting off the train neither the manager, conductor nor railroad company shall be liable for damages in any court.

*Penalty for Violation by Conductors.*

Sec. 6. That any conductor or manager on any railroad who shall fail or refuse to carry out the provisions of section five of this act shall, upon conviction, be fined not less than fifty, nor more than one hundred dollars for each offense.

*Exceptions.*

Sec. 7. The provisions of this act shall not apply to employees of railroads or persons employed as nurses or officers in charge of prisoners.

*Approved May 24, 1892.*

(P. 157, Ch. 61.)

ACT OF 1894.

*An Act to Amend Section Seven of an Act Entitled, "An Act to Regulate the Travel of White and Colored Passengers on Railroads of this State."*

Approved May 24, 1892.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(See Acts 1891-2-3, page 64.)

That section seven, chapter forty, of the Acts of the General Assembly, session of one thousand eight hundred and ninety-one, ninety-two, ninety-three, entitled, "An act to regulate the travel or transportation of the white and colored passengers on the railroads of this State," approved May twenty-fourth, one thousand eight hundred and ninety-two, be, and the same is hereby, amended by adding thereto the following words, namely: "Nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train," so that said section, when amended read as follows, namely:

Sec. 7. The provisions of this act shall not apply to employees of railroads or persons employed as nurses, or officers in charge of prisoners; nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train.

Approved March 15, 1894.

## LOUISIANA.

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(No. 177, P. 220.)

*An act to re-enact Section 3 of Act 111 of the session of 1890, approved July 10, 1890.*

State of Louisiana.

1894.

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*To amend and re-enact Section 3 of Act 111 of the session of 1890, approved July 10, 1890, entitled An Act to promote the comfort of passengers on railway trains, requiring all railway companies carrying passengers on their trains, in this State, to provide equal but separate accommodations for the white and colored races, by providing separate coaches or compartments so as to secure separate accommodations, defining the duties of the officers of such railways; directing them to assign passengers to the coaches or compartments set aside for the use of the race to which such passengers belong; authorizing them to refuse to carry on their train such passengers as may refuse to occupy the coaches or compart-*

*ment to which he or she is assigned; to exonerate such railway companies from any and all blame or damages that might proceed or result from such a refusal; to prescribe penalties for all violation of this act; to put this act into effect ninety days after its promulgation and to repeal all laws or parts of laws contrary to or inconsistent with the provisions of this act.*

*Penalty for Failure by Railway Companies to Comply with Section 3 of Act 111 of 1890.*

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That Section three (3) of act one hundred and eleven (111) of the act of 1890 be amended and re-enacted so as to read as follows: That all officers and directors of railway companies that shall refuse or neglect to comply with the provisions and requirements of this act shall be deemed guilty of a misdemeanor and shall upon conviction before any court of competent jurisdiction be fined not less than one hundred dollars nor more than five hundred dollars; and any conductor or other employes of such passenger train, having charge of the same, who shall refuse or neglect to carry out the provisions of this act shall on conviction be fined not less than twenty-five dollars nor more than fifty dollars for each offense, all railroad corporations carrying passengers in this State other than street railroads shall keep this law posted up in a conspicuous place in each passenger coach and ticket office, provided that nothing in this act shall be construed as applying to nurses attending children of the other race; or prisoners

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ACT OF LOUISIANA—1890.

AN ACT.

*Railway Companies Required to Furnish Separate Accommodations for White and Colored Persons.*

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodation; provided that this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches other than the ones assigned to them on account of the race they belong to.

*Duties of Officers of Passenger Trains.*

Sec. 2. Be it further enacted, etc., That the officers of such passenger trains shall have power and are hereby required to assign each passenger to the coach or compartment used for the race to which such passenger belongs; any passenger insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison and any officer of any railroad insisting on assigning a passenger to a coach or compartment other than the one se



in charge of sheriffs or their deputies, or other officers.

G. W. BOLTON,

Speaker of the House of Representatives.

H. R. LOTT,

President Pro Tempore of the Senate.

Approved July 12, 1894.

MURPHEY J. FOSTER,

Governor of the State of Louisiana.

A true copy:

T. S. ADAMS,  
Secretary of State.

(P. 152, No. 111.)

To promote the comfort of passengers on railroad trains; requiring all railway companies carrying passengers on their trains, in this state, to provide equal but separate accommodations for the white and colored races, by providing separate coaches or compartments so as to secure separate accommodations; defining the duties of the officers of such railways; directing them to assign passengers to the coaches or compartment set aside for the use of the race to which such passengers belong; authorizing them to refuse to carry on their trains such passengers as may refuse to occupy the coaches or compartments to which he or she is assigned; to exonerate such railway companies for any and all blame or damages that might proceed or result from such a refusal; to prescribe penalties for all violations of this act; to put this act into effect ninety days *after its promulgation*, and to repeal all laws or *parts of laws* contrary to or inconsistent to the *vision of this act*.

ACT OF LOUISIANA—1890.

AN ACT.

*Railway Companies Required to Furnish Separate Accommodations for White and Colored Persons.*

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodation; provided that this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches other than the ones assigned to them on account of the race they belong to.

*Duties of Officers of Passenger Trains.*

Sec. 2. Be it further enacted, etc., That the officers of such passenger trains shall have power and are hereby required to assign each passenger to the coach or compartment used for the race to which such passenger belongs; any passenger insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison and any officer of any railroad insisting on assigning a passenger to a coach or compartment other than the one

aside for the race to which said passenger belongs shall be liable to a fine of twenty-five dollars or in lieu thereof imprisonment for a period of not more than twenty days in the parish prison; and should any passenger refuse to occupy the coach or compartment to which he or she is assigned by the officer of such railway, said officer shall have power to refuse to carry such passenger on his train, and for such refusal neither he nor the railway company which he represents shall be liable for damages in any of the courts of this State.

*Officers and Directors Refusing or Neglecting to Comply with this Act to be Deemed Guilty of a Misdemeanor.*

Sec. 3. Be it further enacted, etc., That all officers and directors of railway companies that shall refuse or neglect to comply with the provisions and requirements of this act shall be deemed guilty of a misdemeanor and shall upon conviction before any court of competent jurisdiction be fined not less than one hundred dollars nor more than five hundred dollars; and any conductor or other employees of such passenger train, having charge of the same, who shall refuse or neglect to carry out the provisions of this act shall on conviction be fined not less than twenty-five dollars nor more than fifty dollars for each offense; all railroad corporations carrying passengers in this State other than street railroads shall keep this law posted up in a conspicuous place in each passenger coach and ticket office, provided that nothing in this act shall be construed as applying to nurses attending children of the other race.

REPEALING CLAUSE.

ec. 4. Be it further, Resolved, That all laws  
parts of laws contrary to or inconsistent with  
provision of this act be and the same are here-  
pealed, and that this act shall take effect and  
a full force ninety days after its promulgation.  
proved July 10th, 1890.

FRANCIS T. NICHOLIS,

Governor of the State of Louisiana.

True copy from the original:

L. F. MASON,  
Secretary of State.

# MARYLAND.

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(Chapter 109, p. 186.)

*An act to require all railroad companies and corporations, and all persons running or operating cars or coaches by steam on any railroad line or track in the State of Maryland, for the transportation of passengers, to provide separate cars or coaches for white and colored passengers without any difference or discrimination in quality or of convenience or accommodation in such cars or coaches.*

*Railroad Companies to provide Separate Cars for the White and Colored Races.*

Section 1. Be it enacted by the General Assembly of Maryland, That all railroad companies and corporations, and all persons running or operating cars or coaches by steam on any railroad line or track in the State of Maryland, for the transportation of passengers, are hereby required to provide separate cars or coaches for the travel and transportation of the white and colored passengers on their respective lines of railroad; and each compartment of a car or coach, divided by *good and substantial partition*, with a *door or place of exit from each division*, shall be deemed

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a separate car or coach within the meaning of this Act, and each separate car, coach or compartment shall bear in some conspicuous place appropriate words, in plain letters, indicating whether it is set apart for white or colored passengers.

*Cannot Discriminate.*

Sec. 2. And be it enacted, That the railroad companies and corporations and persons afore-said shall make no difference or discrimination in quality of or convenience or accommodation in the cars, coaches or compartments set apart for white and colored passengers.

*Violation of the Law and Penalty.*

Sec. 3. And be it enacted, That any railroad company or corporation or person that shall fail, refuse or neglect to comply with the provisions of Section 1 and 2 of this Act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than three hundred dollars nor more than one thousand dollars for each offense.

*Rights of Conductors and Managers.*

Sec. 4. And be it enacted, That the conductors and managers on all railroads shall give power and are hereby required to assign to each white or colored passenger his or her respective car, coach or compartment, and should any passenger refuse to occupy the car, coach or compartment to which he or she may be assigned by the conductor or managers shall have the right to refuse to carry such passenger on his train, and may put such passenger off his

train, and for such refusal or putting off the train neither the conductor, manager nor railroad company or corporation, or person owning or operating the same shall be liable for damages in any court; and the passenger refusing to occupy the car, coach or compartment to which he or she may be assigned by the conductor or manager shall be deemed guilty of a misdemeanor, and, on indictment and conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, or be confined in jail not less than thirty days, or both, in the discretion of the court, for each offense.

*Failure to Perform Duties.*

Sec. 5. And be it enacted, That any conductor or manager on any railroad who shall fail or refuse to perform the duties imposed upon him by Section 4 of this Act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than twenty-five dollars and not more than fifty dollars for each offense.

*Lack of Accommodation.*

Sec. 6. And be it enacted, That when any car, coach or compartment for either white or colored passengers shall be completely filled, where no extra cars or coaches can be obtained, and the increased number of passengers could not be foreseen, the conductor or manager in charge of such train is hereby authorized to assign and set apart a portion of the car, coach or compartment assigned to passengers of one color to passengers of the other color.

*Exceptions.*

Sec. 7. And be it enacted, That the provisions of this Act shall not apply to employees of railroads, or to persons employed as nurses, or to officers in charge of prisoners, whether the said prisoners are white or colored, or both white and colored, or to the prisoners in their custody, nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train, nor to parlor nor sleeping cars, nor through express trains that do no local business.

Sec. 8. And be it enacted, That this Act shall take effect from the first day of July, in the year of 1904.

Approved March 17, 1904.



## MISSISSIPPI.

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4059. (3562) *Equal but separate accommodations for the races* (Laws 1904, ch. 99).—Every railroad carrying passengers in this state shall provide equal but separate accommodations for the white and colored races by providing two more passenger cars for each passenger train, by dividing the passenger cars by a partition to secure separate accommodations and the conductor of such passenger train shall have power, and it is required, to assign each passenger to the car or the compartment of a car, used for the race to which such passenger belongs; and should a passenger refuse to occupy the car to which he or she is assigned by the conductor, the conductor shall have power to refuse to carry such passenger on the train, and for such refusal neither he nor the railroad company shall be liable for damages in any court. (For additional penalties see section 1351.)

1351. (1276). *The same; not providing separate cars, etc.*—If any persons or corporation operating a railroad shall fail to provide two more passenger cars for each passenger train, or to divide the passenger cars by a partition, to secure separate accommodations for the white and colored races, as provided by law, or if any railroad passenger conductor shall fail to assign

each passenger to the car or the compartment of the car used for the race to which the passenger belongs, he or it shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty dollars nor more than five hundred dollars. (See chapter on "Railroads," section 4159.)

The section, so far as it applies to passengers traveling wholly within the state, is constitutional, and does not violate sec. 8, art. 1, of the United States Constitution, conferring on Congress the power to regulate commerce between the states. *Louisville R. R. Co. v. State*, 66 Miss. 682 (6 So. 203).

This decision was affirmed by the Supreme Court of the United States. *Louisville R. R. Co. v. Mississippi*, 133 U. S. 587.

### STREET CARS.

4060. *The same: applicable to street railways* (Laws 1904, ch. 99).—All persons or corporations operating railways, carrying passengers in their cars in this state shall provide equal but separate accommodations for the white and colored races by providing two or more cars, or by dividing their cars by a partition or adjustable screen which may be made movable so as to allow adjustment of the space in the car in the manner suited to the requirements of the traffic, so as to secure separate accommodations for the white and colored races. No person or persons shall be permitted to occupy seats in cars or compartments other than the ones assigned to them on account of the race to which they belong.

*Signs eight by twelve inches in size, having thereon the words "white" and "colored," respect-*

ively, and supported on the backs of seats in street cars, are not "adjustable screens" within the meaning of this section. Light & Traction Co. v. Compton, 86 Miss., 269 (38 So., 629).

# NORTH CAROLINA.

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## REVISED STATUTE OF NORTH CAROLINA. VOLUME 1.

(P. 728 at bottom. 19. Sub Passengers.)

2618. *First and second class accommodations. All railroad companies shall furnish first and second-class passengers accommodations.*

(1899, c. 384, s. 4.)

2619. *Separate accommodations for different races. All railroads and steamboat companies engaged as common carriers in the transportation of passengers for hire, other than street railways, shall provide separate but equal accommodations for the white and colored races at passenger stations or waiting rooms, and also on trains and steamboats carrying passengers. Such accommodations may be furnished by railroad companies either by separate passenger cars or by compartments in passenger cars, which shall be provided by the railroads under the supervision and direction of the corporation commission: Provided, that this shall not apply to relief trains in cases of accident, to Pullman or sleeping cars, or through express trains that do not stop at all stations and are not used ordinarily for travel-*

ing from station to station, to Negro servants attendance on their employers, to officers guards transporting prisoners, not to prisoners so transported.

2620. *Corporation commission may exempt certain roads and trains.* The corporation commission is hereby authorized to exempt from the provisions of the preceding section steamboat branch lines and narrow-gauge railroads and mixed trains carrying both freight and passengers, if in its judgment the enforcement of the same be unnecessary to secure the comfort of passengers by reason of the light volume of passenger traffic, or the small number of colored passenger travelers on such steamboats, narrow-gauge, branch lines or mixed trains.

(1899, c 384, s. 2; 1901, c. 213.)

2621. *When two races put in same coach* When any coach or compartment car for either race shall be completely filled at a station where no extra coach or car can be had, and the increased number of passengers could not be foreseen, the conductor in charge of such train shall assign and set apart a portion of a car or compartment assigned for passengers of one race to passengers of the other race.

(1899, c. 384, s. 3.)

2622. *Penalty for failing to provide separate cars.*—Any railroad company failing to comply in good faith with the provisions of the three preceding sections shall be liable to a penalty of **hundred dollars** per day, to be received in as

tion brought against such company by any passenger on any train or boat or any railroad or steamboat company which is required by this chapter to furnish separate accommodations to the races, who has been furnished accommodations on such railroad train or steamboat in only a car or compartment with a person of a different race in violation of law.

(1899, c. 384, s. 5.)

# OKLAHOMA.

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BE IT ENACTED BY THE PEOPLE OF THE  
STATE OF OKLAHOMA:

SECTION 1. That every railway company, urban or suburban car company, street car or interurban car or railway company, lessee, manager or receiver thereof doing business in this State as common carrier of passengers for hire, shall provide separate coaches or compartments as herein after provided, for the accommodation of the white and *Negro* races, which separate coaches or cars shall be equal in all points of comfort and convenience.

SECTION 2. Every railway company, street car company, urban, suburban or interurban car company shall provide for and maintain separate waiting rooms at all their passenger depots for the accommodation of the white and Negro races, which separate waiting rooms shall be equal in all points of comfort and convenience. Each waiting-room shall bear in a conspicuous place, words in plain letters indicating the race for which it is set apart. It shall be unlawful for any person to use, occupy or remain in *any* waiting-room, toilet-room, or at any water tank in any passenger depot in this State, set apart to a race to which he does not belong.

SECTION 3. The term Negro, as used herein, includes every person of African descent, as defined by the Constitution.

SECTION 4. Each compartment of a railway coach divided by a good and substantial wooden partition with a door therein, shall be deemed a separate coach within the meaning of this act, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart; and each compartment of an urban or suburban car company, interurban car or railway company, or street car company, divided by a board or marker, placed in a conspicuous place, bearing appropriate words in plain letters, indicating the race for which it is set apart, shall be sufficient as a separate compartment within the meaning of this act.

SECTION 5. Any railway company, street car company, urban or suburban car company, or interurban car or railroad company, lessee, manager or receiver thereof which shall fail to provide its cars bearing passengers with separate coaches or compartments as above provided, or fail to provide and maintain separate waiting-rooms as provided herein, shall be liable for each and every failure to a penalty of not less than one hundred nor more than one thousand dollars, to be recovered by suit in the name of the State, in any court of competent jurisdiction, and each trip run with such railway train, street car, urban, suburban or interurban car without such separate coach or compartment, shall be deemed a separate offense.

SECTION 6. If any passenger upon a railway train, street car, urban, suburban or interurban car provided with separate coaches or compart-



ments, as above provided, shall ride in any coach or compartment not designated for his *race*, after having been forbidden to do so by the conductor in charge of the train or car, or shall remain in any waiting-room not set apart for the race to which he belongs, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than twenty-five dollars. Should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the officer of such railway company, said officer shall have power to refuse to carry such passenger on his train, and should any passenger, or any other person not passenger, for the purpose of occupying or waiting in such sitting or waiting-room not assigned to his or her race, enter said room, said agent shall have the power and it is made his duty to eject such person from such room, and for such act neither they nor the railway company which they represent, shall be liable for damages in any of the courts of this State.

SECTION 7. The provisions of this act shall not be so construed as to prohibit officers having in custody any person or persons, or employes upon the trains or cars in the discharge of their duties, nor shall it be construed to apply to such freight trains as carry passengers in cabooses; *Provided*, that nothing herein contained shall be construed to prevent railway companies in this State from hauling sleeping cars, dining or chair cars attached to their trains, to be used exclusively by either white or Negro passengers, separately, but not jointly.

*SECTION 8.* Every railway company carrying passengers in this State shall keep this law posted

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in a conspicuous place in each passenger depot, and in each passenger coach provided in this law.

SECTION 9. That nothing in this act shall be construed to prevent the running of extra or special trains or cars for the exclusive accommodation of either white or Negro passengers, if the regular trains or cars are operated as required by this Act, and upon regular schedule.

SECTION 10. Conductors of passenger trains, street cars, urban, suburban or interurban lines, provided with separate coaches or compartments shall have the authority to refuse any passenger admittance to any coach or compartment in which they are not entitled to ride under the provisions of this Act, and the conductor in charge of the train, street car, urban, suburban or interurban car, shall have authority, and it shall be his duty to remove from the train, coach, street car, urban, suburban or interurban car any passenger not entitled to ride therein under the provisions of this Act; upon his refusal to do so knowingly shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum of not less than fifty nor more than five hundred dollars, and the company, manager, conductor, agent, receiver or other officer shall not be held for damages of any lawful removal of a passenger as provided herein.

SECTION 11. All fines collected under the provisions of this law shall go to the available common school fund of the county in which conviction is had. Prosecutions under the provisions of this law may be instituted in any court of competent jurisdiction in any county through or into which said railroad, urban, suburban, interurban railway may be run or have an office.

SECTION 12. An emergency exists for the preservation of the public safety, by reason where this Act shall take effect sixty days from and after its passage and approval.

GEORGE W. BELLAMY,  
President of the Senate.

WM. H. MURRAY,  
Speaker of the House.

Approved December 18, 1907.

C. N. HASKELL,  
Governor of the State of Oklahoma.

(SEAL.)

Attest: BILL CROSS,  
Secretary of State.

By LEO MEYER, Deputy.

## SOUTH CAROLINA.

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Pp. 828, top.

CODE OF 1902. VOLUME 1.

*Accommodation for Passengers; Penalty.*

G. S. 1502; rs. 1710; 1b. 91.

Section 2157. Every railroad shall furnish reasonable accommodations for the convenience and safety of passengers; and for every wilful neglect to provide the same shall forfeit not less than five nor more than twenty dollars, to be recovered in an action against such corporation.

This duty extends to "persons who are on the premises to welcome the coming or speed the parting guests."—*Izlar v. Ry. Co.*, 57 S. C., 336; 35 S. E., 583.

Passengers on freight assume the incident risks.—*Steele v. So. Ry. Co.*, 55 S. C., 389; 33 S. E., 509. Negligence in requiring passengers to change cars.—*Olover v. Ry. Co.*, 55 S. C., 584; 33 S. E., 584. Dangerous premises.—*Izlar v. Ry. Co.*, *supra*; *Johns v. C., C. & A. Ry. Co.*, 33 S. C., 162; 17 S. E., 698.

1902.

*Railroad Companies to Furnish Separate Coaches  
for Whites and Blacks.*

1898, xxii., 777; 1900, iii., 457.

Sec. 2158. All railroads and railroad companies engaged in this State as common carriers of passengers for hire shall furnish separate coaches for the accommodation of white and colored passengers; Provided, Equal accommodation shall be supplied to all persons, without distinction of race, color, or previous condition, in such coaches: Provided, further, That all first-class coaches shall be provided with a compartment at each end of such coaches; said compartment shall be provided with seats for three or more persons; on one compartment shall be printed the words, "For Females," and on the other, "For Males."

Equality of accommodations—Smith v. Chamberlain, 38 S. C., 549; 17 S. E., 371.

*Exceptions.—Ib.*

Sec. 2159. The provision of sections 2158 to 2162 shall not apply to nurses on trains, nor to narrow-gage roads, or branch lines nor roads under forty miles in length, or to relief trains in case of accident, or to through vestibule trains not intended or used for local travel, nor to regular freight trains with a passenger coach attached for local travel, nor to officers or guards transporting prisoners, to prisons or lunatics being so transported.

*Penalty for Officer or Employee Violating.—Ib.*

Sec. 2160. It shall be unlawful for the officers or employes having charge of such railroad cars as are provided for by this Chapter to allow or permit white and colored passengers to occupy the same car except as herein permitted and allowed.

*When Law May Not Be Observed.—Ib.*

Sec. 2161. In case the coach for either white or colored passengers should be full of passengers, and another coach cannot be procured at the time, then the conductor in charge of the train shall be, and he is hereby, authorized to set apart so much of the other coach as may be necessary to accommodate the passengers on said train.

*Violations by Railroads, etc., Punished; How.—Ib*

Sec. 2162. Should any railroad or railroad company, its agents or employes, violate the provisions of the last four sections, such railroad or railroad company shall be liable to a penalty of not more than five hundred dollars nor less than three hundred dollars for each violation, to be collected by suit of any citizen of this State, and the penalty recovered shall, after paying off proper fees and costs, go into the general fund of the State Treasury.

# TENNESSEE.

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## NON'S ANNOTATED CODE OF TENNESSEE, 1896.

### *Article 2.—Duties of Passengers.*

**Section 3074. *Separate coaches or apartment for white and colored races.***—All Railroads carrying passengers in the State (other than Street Railroads) shall provide equal but separate accommodation for the white and colored races, by providing two or more passenger cars for each passenger train or by dividing the passenger car by a partition, so as to secure separate accommodation; but any person may be permitted to take a nurse in the car or compartment set aside for such persons.

This law shall not apply to mixed and freight trains which carry one passenger or combination passenger and baggage car, but in such cases the one passenger car so carried shall always be partitioned into apartments, one apartment for the white, and one for the colored.

(Act 1891. Ch. 52, Sec. 1.)

**Section 3075. *Conductors must separate passengers.***—The conductors of such passenger train shall have power and are hereby required to :

sign to the car or compartments of the car, when it is divided by a partition, used for the race to which such passengers belong, and should any passengers refuse to occupy the car to which he or she is assigned by the conductor, said conductor shall have power to refuse to carry such passenger on his train; and, for such refusal, neither he nor the railroad company shall be liable for any damages in any court of this State. (Lb. Sec. 2.)

Section 3076. *Failure of Companies and Conductors to Comply—Penalties.* All railroad companies that shall fail, refuse or neglect to comply with the requirements of Section 3074 shall be deemed guilty of a misdemeanor, and, upon a conviction in a court of competent jurisdiction, be fined not less than one hundred nor more than five hundred dollars; and any conductor that shall fail, neglect, or refuse to carry out the provisions of this law shall, upon conviction, be fined not less than twenty-five nor more than fifty dollars for each offense. (Lib. Sec. 3.) Sections 3074-3076 repeal by implication sections. Sections 2364—2367, of the Milken and Vertrees Code.

## ACTS OF TENNESSEE—CHAPTER 150.

No. 87.—*An act to promote the comfort of public travel by providing for and securing the separation of white and colored passengers on street cars.*

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all persons, companies, or corporations operating any street car line or lines in the State of Tennessee.



be, and the same are hereby, required, where white and colored passengers are carried or transported in the same car or cars, to set apart and designate in each car or coach so operated for both a portion thereof or certain seats therein to be occupied by white passengers, and a portion thereof or certain seats therein to be occupied by colored passengers; Provided, that nothing in this act shall be construed to apply to nurses attending children or other helpless persons of the other race; Provided, that large printed or painted signs shall be kept in a conspicuous place in the cars, or the parts thereof set apart or designated for the different races, on which shall be printed or painted, if set apart or designated for the white people, and it being a car so designated or set apart, "This car for white people." If a part of a car is so designated, then this sign, "This part of the car for white people." If set apart or designated for the colored race, then this sign to be displayed in a conspicuous place as follows: "This car for the colored race." If any part of a car is set apart or designated for said race, then this sign: "This part of the car for the colored race."

Sec. 2. Be it further enacted, That the conductor or other person in charge of any car or coach so operated upon any street car line shall have the right at any time, when in his judgment it may be necessary or proper for the comfort or convenience of passengers so to do, to change the said designation so as to increase or decrease the amount of space or seats set apart for either race, *or he may require any passenger to change his seat when or so often as the change in the passengers may make such change necessary.*

Sec. 3. Be it further enacted, That all passengers on any street car line shall be required to take the seats assigned to them, and any person refusing to do so shall leave the car or remaining upon the car shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars; Provided, no conductor shall assign any person or passenger to a seat except those designated or set apart for the race to which said passenger belongs.

Sec. 4. Be it further enacted, That any person, company, or corporation failing to set apart for the separate accommodation of the white and colored passengers, as provided by this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed twenty-five dollars.

Sec. 5. Be it enacted, That nothing in this Act shall be construed to prevent the running of extra or special cars for the exclusive accommodation of either white or colored passengers if the regular cars are operated as required by this Act.

Sec. 6. Be it further enacted, That this Act shall take effect ninety days from and after its passage, the public welfare requiring it. Passed March 30, 1905.

J. J. BEAM,

Speaker *pro tem.* of the House of Representatives.

E. RICE,

Speaker of the Senate.

Approved April 4, 1905.

JOHN I. COX, Governor.

# TEXAS.

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## TEXAS—ACT OF 1889.

Page 132. Ch. 108.—(H. S. S. B. No. 18.)

*An act to authorize railroad companies in this state to provide separate coaches for white and colored passengers.*

Section 1. Be it enacted by the Legislature of the State of Texas: That after the taking effect of this act all railroad companies in this state who are common carriers of passengers for hire, whose trains are propelled by steam, are authorized and empowered to make provisions to transport passengers of different colors in separate coaches on such trains on such portions of their road or roads as may be deemed necessary or proper.

Sec. 2. Said separate coaches shall be of equal character as to comfort, etc., and shall be designated by appropriate words and letters indicating the character of the coach.

Sec. 3. The words "different colors," as used in Section 1 of this Article, refer to what are commonly known as white people and colored people of African descent.

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Sec. 4. It shall be deemed a separate coach within the meaning of this Article to divide the coach equally by a substantial partition with a door in same, one division of which shall be used exclusively for colored passengers and the other for white passengers.

Sec. 5. If any passenger upon a train provided with separate coaches for colored passengers shall ride or attempt to ride in a coach or division of same not designated for his or her color, after having been forbidden to do so by the employe of the railroad in charge of the train, he shall be guilty of a misdemeanor and punished by a fine of not less than five nor more than twenty dollars: Provided, That the railway companies shall have the right to regulate and control the travel on all other coaches in each of their said trains except the two coaches or double coach, as the case may be, provided for in this act.

Sec. 6. Conductors of passenger trains in this state have power while on their respective trains to enforce the provisions of this act in reference to the separation of passengers of different colors.

The near approach of the close of the session is such an imperative public necessity as justifies the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is hereby suspended.

(Note.—The foregoing act originated in the house, and passed the same March 28, 1889; and passed the senate April 5, 1889, by a vote of 25 yeas, 1 nay.)

(Note.—The foregoing act was presented to the governor of Texas for his approval on the sixth day of April, A. D. 1889, and was not signed.)

by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.)

### ACT OF TEXAS, 1891.

P. 44, Ch. 41.—(S. B. No. 97.) *An act to require railroad companies in this State to provide separate coaches for white and Negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their race, and to confer powers upon conductors and to provide penalties for the violation of this act.*

Section 1. Be it enacted by the Legislature of the State of Texas: That every railroad company, lessee, manager or receiver thereof, doing business in this state as common carriers of passengers for hire shall provide separate coaches for the accommodation of white and Negro passengers which separate coaches shall be equal in all points of comfort and convenience.

Sec. 2. That the term Negro as used herein includes every person of African descent as defined by the statutes of this state.

Sec. 3. Each compartment of a coach divided by a good and substantial wooden partition with a door therein shall be deemed a separate coach within the meaning of this act, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

Sec. 4. Any railroad company, lessee, manager *or receiver* thereof which shall fail to provide its **carrying** passengers, with separate

coaches as above provided for, shall be liable for each and every such failure to a penalty not less than one hundred nor more than one thousand dollars to be recovered by suit in the name of the State in any court of competent jurisdiction. And each trip run with any such train without such separate coaches shall be deemed a separate offense.

Sec. 5. If any passenger upon a train provided with separate coaches shall ride in any coach not designated for his race, after having been forbidden to do so by the conductor in charge of the train, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty-five dollars.

Sec. 6. The provisions of this act shall not be so construed as to prohibit nurses from traveling in the same coach with employers or employees upon the train in discharge of their duties; nor shall it be construed to apply to such freight trains as may carry passengers in cabooses, neither shall it apply to street railway cars; provided, that nothing herein contained shall be construed to prevent railroad companies in this state from hauling sleeping cars or chair cars attached to their trains to be used exclusively by either white or Negro passengers separately but not jointly.

Sec. 7. Every railroad company carrying passengers in this state shall keep this law posted in conspicuous place in each passenger depot, and in each passenger coach, provided for in this act.

Sec. 8. The provisions of this act shall not apply to any excursion train run strictly as such for the benefit of either race.

Sec. 9. Conductors of passenger trains provided with separate coaches shall have the author-

ity to refuse any passenger admittance to any coach in which he is not entitled to ride under the provision of this act, and the conductor in charge of the train shall have the authority, and it shall be his duty to remove from a coach any passenger not entitled to ride therein under the provisions of this act. And upon his failure or refusal to do so, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five and not more than twenty-five dollars.

Sec. 10. All fines collected under the provision of this act shall go to the available common school fund of the county in which the conviction is had. Prosecutions under the provisions of this act may be instituted in any court of competent jurisdiction in any county through or into which said railroad may be run or have an office.

Sec. 11. All laws and parts of laws in conflict herewith are hereby repealed.

# VIRGINIA,

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## THE STATE OF VIRGINIA—1899-1900.

Page 236, Ch. 226.—*An act to require the railroads to provide separate cars for white and colored passengers, approved Jan. 3, 1900.*

Section 1. Be it enacted by the general assembly of Virginia, That all railroad companies or corporations, person or persons running or operating cars or coaches by steam on any railroad line or track within this state and all railroad companies, person or persons doing business in this state, whether upon the lines of railroad owned in part or whole, or leased by lines that may hereafter be granted in this state, and all foreign corporations, companies; person or persons organized under charters granted or that may hereafter be granted by any other state who may be now or may hereafter be engaged in running or operating any of the railroads of this state, either in part or whole, either in their own name or that of others, are hereby required to furnish separate coaches or cars for the travel or transportation of the white and colored passengers on their respective lines of railroad. Each compartment of a coach divided by a good and substantial partition with a door therein, shall be deemed a separate coach within the meaning of this act, and



each separate coach and compartment shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

Sec. 2. Be it further enacted, That the railroad companies, person, or persons shall make no difference or discrimination in the quality, convenience or accommodation in the cars or coaches or partitions set apart for white and colored passengers.

Sec. 3. Be it further enacted, That any railroad company or companies that shall fail, refuse, or neglect to comply with the provisions of sections one and two of this act shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined not less than three hundred nor more than one thousand dollars for each offense.

Sec. 4. Be it further enacted, That all county courts in whose counties railroads are operating and corporations courts of cities shall have complete jurisdiction over such offenses.

Sec. 5. Be it further enacted, That the conductors or managers on all railroads shall have power, and are hereby required, to assign to each white or colored passenger his or her respective car, coach or compartment and should any passenger refuse to occupy the car, coach or compartment to which he or she may be assigned by the conductor or manager, said conductor or manager shall have the right to refuse to carry such passenger on his train and may put such passenger off of the train. And for such refusal and putting off of the train, neither the manager, conductor, nor railroad company *shall be liable for damages in any court.*

Sec. 6. Be it further enacted, That any conductor or manager on any railroad who shall fail or refuse to carry out the provisions of section five of this act shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars for each offense.

Sec. 7. Be it further enacted, That when any coach or compartment of a car for either race shall be completely filled, where no extra coaches or cars can be had and the increased number of passengers could not be foreseen, the conductor in charge of such train is hereby authorized to assign and set apart a portion of the car or compartment assigned to passengers of one race to passengers of another race.

Sec. 8. Be it further enacted, That the provisions of this act shall not apply to employees on railroads, or persons employed as nurses, or officers in charge of prisoners, nor shall the same apply to the transportation of passengers in any caboose car attached to a freight train, nor to Pullman cars, nor through or express trains that do no local business.

Sec. 9. This act shall be in force from July first, nineteen hundred.

# REPORT AND ORDER OF THE INTER- STATE COMMERCE COMMISSION,

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No. 1001.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY  
COMPANY, OPERATING THE WESTERN & ATLANTIC  
RAILROAD.

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Submitted June 11, 1907. Decided June 24, 1907.

*C. W. Robinson* and *W. A. Schoolfield* for complainant.  
*John Tye* for defendant.

## REPORT AND ORDER OF THE COMMISSION.

1. Carriers may not discriminate between white and colored passengers paying the same fare in the accommodations which they furnish to each.
2. Segregation of white and colored passengers on interstate journeys is a reasonable regulation of interstate traffic and permissible under the act to regulate commerce.
3. Where a carrier provides facilities for personal cleanliness in first-class coaches devoted to the use of white passengers, and a separate smoking compartment for the use of such passengers also, similar accommodations should be provided for colored passengers paying first-class fare.

LANE, *Commissioner*:

Complainant is a woman of the Negro race and resides at Chattanooga, Tenn. Defendant operates a line of railway extending from Nashville, Tenn., through Chattanooga to Atlanta, Ga. The portion of the line between Chatta-

nooga and Atlanta is known as the Western & Atlantic Railroad.

The matter for determination in this case is whether the defendant in the facilities furnished by it in connection with the transportation of passengers unduly discriminates between Negroes and those belonging to other races.

On August 31, 1906, the complainant purchased a ticket entitling her to first-class passage from Chattanooga to Dalton, Ga., over defendant's said line of railway. She then entered and occupied a seat in a car assigned to the use of passengers other than Negroes, whereupon she was informed by defendant's flagman that she was in the wrong car and was requested to go forward to that portion of another car set apart by defendant for the use of people of her race. This she refused to do, however, whereupon the flagman notified defendant's assistant station agent of the circumstance and the latter removed the defendant to the compartment in the car last referred to, using only such force as was necessary for that purpose. Complainant claims the car into which she was removed was very dirty and not as clean as the car first occupied by her, but this claim is not supported by the record.

The train in question was defendant's No. 93, which leaves Chattanooga at 6:36 a. m. and arrives in Dalton at 7:38 a. m. The distance from Chattanooga to Dalton is 38 miles. This train started from Nashville, 151 miles northwesterly of Chattanooga, and before it left Nashville all the cars in the train were thoroughly cleaned inside. They were again cleaned to some extent at Chattanooga. These two cars are of the same quality, having seats of the same size, upholstered in a like manner, and with exactly the same quality of goods. One of them is used by white passengers, and is provided with towels and washbowls, while the other is without such conveniences. The latter is constructed as follows: A partition placed in the middle of the car divides it into two compartments and entrance from one to the other is through a swinging

door which, after being opened, closes automatically. Negro passengers are required to occupy one of these compartments, while the other is occupied by other passengers who wish to smoke.

In one end of the other passenger coach there is a compartment for smokers which will seat seven persons, but defendant does not provide any separate smoking compartment for Negroes. It is also true that while only one toilet is provided in the Negro compartment, the car which is entirely used by other passengers has two, marked in such a way as to indicate that one is to be used by men and the other by women; but such restriction is only partially enforced. The principal reason for providing two toilets in one case and only one in the other is that the number of passengers carried in the Negro compartment is very much less than the number contemporaneously transported in the other car. Defendant assigns to the use of the Negro passengers about one-sixth of the space in its passenger trains occupied by all passengers, while the number of Negroes transported by defendant is only about one-fifteenth of the total.

When there are no women in the colored compartment, smoking there is allowed, but not otherwise. It sometimes happens that a car provided by defendant for the use of white passengers has no wash basin and only one toilet, no smoking compartment, and smoking is allowed in such cars if there are no women present.

On the whole defendant's Nashville-Atlanta passenger trains are among the best in the country so far as equipment is concerned. The cars are manufactured by the Pullman Company and provided with vestibules. The cost of the car allotted to Negroes was in the neighborhood of \$8,100, while that of other passenger coach in defendant's No. 93 train was about \$8,800. The expense of the small smoking compartment in the latter accounts for nearly *all the difference* in cost between the two cars.

*The broad question of the right under the thirteenth*

nd fourteenth amendments of the Constitution to segregate white and colored passengers has been upheld by the Supreme Court of the United States. *Hall v. De Cuir*, 95 U. S., 485; *L. N. O. & T. Ry. v. Mississippi*, 133 U. S., 587; *Plessy v. Ferguson*, 163 U. S., 537; *C. & O. Ry. v. Kentucky*, 79 U. S., 388.

Accepting these decisions as conclusive upon the constitutionality of such laws, we turn to the consideration of the reasonableness of such a rule when imposed by the carrier; and this we find to have been passed upon by this Commission within a few months of its organization in the case of *Councill v. Western & Atlantic Railroad Company*, which was decided December 3, 1887. Mr. Commissioner Morrison, speaking for the unanimous Commission, therein said: "Public sentiment, wherever the colored population is large, sanctions and requires this separation of races, and this was recognized by counsel representing both complainant and defendant at the hearing. We can not, therefore, say that there is any undue prejudice or injustice preference in recognizing and acting upon this general sentiment, provided it is done on fair and equal terms. This separation may be carried out on railroad trains without disadvantage to either race and with increased comfort to both." (1 I. C. C., 346.)

Again in *Heard v. Georgia Railroad Company*, decided February 15, 1888, 1 I. C. C., 428, Mr. Commissioner Schoonmaker held for the Commission that the separation of white and colored passengers paying the same fare is not unlawful if cars and accommodations equal in all respects are furnished to both and the same care and protection of passengers are observed.

While, therefore, the reasonableness of such regulation as to interstate passenger traffic is established, it by no means follows that carriers may discriminate between white and colored passengers in the accommodations which they furnish to each. If a railroad provides certain facilities and accommodations for first-class passengers of the white

race, it is commanded by the law that like accommodations shall be provided for colored passengers of the same class. The principle that must govern is that carriers must serve equally well all passengers, whether white or colored, paying the same fare. Failure to do this is discrimination and subjects the passenger to "undue and unreasonable prejudice and disadvantage."

In this case it is manifest from the facts as stated that defendant has unduly and unjustly discriminated in some particulars against colored passengers; and it will be ordered, therefore, that where the defendant carrier provides a washbowl and towels in coaches devoted to the use of white passengers and a separate smoking compartment for such passengers also, that similar accommodations shall be provided for colored passengers paying first-class fare.

#### ORDER.

Upon the foregoing report—

*It is ordered,* That the defendant, the Nashville, Chattanooga & St. Louis Railway Company, operating the Western & Atlantic Railroad, be, and it is hereby, notified and required, on or before the 1st day of October, 1907, to cease and desist, and during a period of at least two years thereafter abstain, from failing to furnish and provide on said railroad a washbowl and towels and a separate smoking compartment for colored passengers, where the same accommodations are provided for white passengers paying the same fare; and to furnish and provide on or before said 1st day of October, 1907, and during a period of at least two years thereafter supply washbowl and towels and a separate smoking compartment on said railroad for colored passengers paying first-class fare, where the same accommodations are provided for white passengers paying first-class fare.

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